

NOV 08 2017

JAMES N. HATTEN, Clerk  
By: *S Bly* Deputy Clerk

## **district court of the United States**

## **DISTRICT OF GEORGIA**

Hardee Bey  
Counterclaimant  
  
v.  
STATE OF GEORGIA  
BRIAN KEMP  
ATLANTA MUNICIPAL COURT  
RYAN SHEPARD  
RAINES CARTER  
FULTON COUNTY SHERIFF'S OFFICE  
THEODORE JACKSON  
JAMES BULLOCK, BADGE NO. 0884

§  
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§  
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§  
§  
CASE NO: 1:17-CV-03686 EIR  
Re: Writ Denying Defendants Motions To  
Dismiss and Incorporated Memorandum of  
Law

## COUNTERDEFENDANTS

Hardee Bey  
v.  
State of Georgia et. al.

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Writ of Denial

1. COMES NOW THE COURT TO REVIEW THE MOTIONS entered on the record by defendants to dismiss the case and incorporated memorandum of law in support.
2. Some of the defendants have entered motions moving the court to dismiss the above entitled action based on code foreign to this court.
3. The court has considered all arguments entered on the record by the defendants and the rebuttal by the counterclaimant.

**DETAIL**

4. The following is organized into three sections:

I. Judicial cognizance

II. Findings of facts, Discussion and Conclusion of Law

III. Impeachment and Writ

**I. Judicial Cognizance**

5. This court takes judicial cognizance of and decrees the following:
6. JUDICIAL COGNIZANCE: Judicial notice, or knowledge upon which a judge is bound to act without having it proved in evidence. [Black's Law Dictionary, 5<sup>th</sup> Edition, page 760.]
7. The people of Georgia do not waive their sovereignty to the agencies that serve them being the sovereigns who ordained and established the Constitution for the Georgia state.<sup>1</sup>

8. Two distinguishing and critical characteristics of a court of record are; A judicial tribunal having attributes and exercising functions independently of the person of the magistrate designated generally to hold it, AND Proceeding according to the course of common law.
9. The United States shall guarantee to every State in this Union a Republican Form of Government, ...<sup>2</sup>
10. ...at the Revolution, the sovereignty devolved on the people; and they are truly the sovereigns of the country, but they are sovereigns without subjects...with none to govern but themselves..... [CHISHOLM v. GEORGIA (US) 2 Dall 419, 454, 1 L Ed 440, 455 @DALL (1793) pp471-472.]
11. The very meaning of 'sovereignty' is that the decree of the sovereign makes law. [American Banana Co. v. United Fruit Co., 29 S.Ct. 511, 513, 213 U.S. 347, 53 L.Ed. 826, 19 Ann.Cas. 1047.]
12. The people of this State, as the successors of its former sovereign, are entitled to all the rights which formerly belonged to the King by his prerogative. [Lansing v. Smith, 4 Wend. 9 (N.Y.) (1829), 21 Am.Dec. 89 10C Const. Law Sec. 298; 18 C Em.Dom. Sec. 3, 228; 37 C Nav.Wat. Sec. 219; Nuls Sec. 167; 48 C Wharves Sec. 3, 7.]
13. A consequence of this prerogative is the legal *ubiquity* of the king. His majesty in the eye of the law is always present in all his courts, though he cannot personally distribute justice. (Fortesc.c.8. 2Inst.186) His judges are the mirror by which the king's image is reflected. 1

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<sup>1</sup> .....We the people of the Georgia, relying upon the protection and guidance of Almighty God, do ordain and establish this Constitution. – Georgia Constitution Preamble

<sup>2</sup> Constitution for the United States of America – Article IV Section 4.

Blackstone's Commentaries, 270, Chapter 7, Section 379.

14. The state cannot diminish rights of the people. [Hertado v. California, 100 US 516.]
15. The assertion of federal rights, when plainly and reasonably made, is not to be defeated under the name of local practice. [Davis v. Wechsler, 263 US 22, 24.]
16. Where rights secured by the Constitution are involved, there can be no rule making or legislation which would abrogate them. [Miranda v. Arizona, 384 US 436, 491.]
17. There can be no sanction or penalty imposed upon one because of this exercise of constitutional rights. [Sherar v. Cullen, 481, F 946.]
18. Republican government. One in which the powers of sovereignty are vested in the people and are exercised by the people, either directly, or through representatives chosen by the people, to whom those powers are specially delegated. [In re Duncan, 139 U.S. 449, 11 S.Ct. 573, 35 L.Ed. 219; Minor v. Happersett, 88 U.S. (21 Wall.) 162, 22 L.Ed. 627." Black's Law Dictionary, Fifth Edition, p. 626.]
19. This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby; any Thing in the Constitution or Laws of any State to the Contrary notwithstanding. [Constitution for the United States of America, Article VI, Clause 2.]
20. COURT. The person and suit of the sovereign; the place where the sovereign sojourns with his regal retinue, wherever that may be. [Black's Law Dictionary, 5th Edition, page 318.]

21. COURT. An agency of the sovereign created by it directly or indirectly under its authority, consisting of one or more officers, established and maintained for the purpose of hearing and determining issues of law and fact regarding legal rights and alleged violations thereof, and of applying the sanctions of the law, authorized to exercise its powers in the course of law at times and places previously determined by lawful authority. [Isbill v. Stovall, Tex.Civ.App., 92 S.W.2d 1067, 1070; Black's Law Dictionary, 4th Edition, page 425]

22. Pursuant to the NRS 1.020 the Municipal Court, District Court is **required** to be a court of record. See: NRS 1.020 NRS. 1.020 Courts of record. The following courts are courts of record:

1. The Supreme Court;
2. The Court of Appeals;
3. The district courts;
4. The Justice courts; and
5. The municipal courts:
  - (a) In any case in which a jury trial is required; or
  - (b) If so designated pursuant to NRS 5.010.

23. COURT OF RECORD. To be a court of record a court must have four characteristics, and may have a fifth. They are:

A. A judicial tribunal having attributes and exercising functions independently of the person of the magistrate designated generally to hold it [Jones v. Jones, 188 Mo.App. 220, 175 S.W. 227, 229; Ex parte Gladhill, 8 Metc. Mass., 171, per Shaw, C.J. See, also, Ledwith v. Rosalsky, 244 N.Y. 406, 155 N.E. 688, 689][Black's Law Dictionary, 4th Ed., 425, 426]

B. Proceeding according to the course of common law [Jones v. Jones, 188 Mo.App. 220, 175 S.W. 227, 229; Ex parte Gladhill, 8 Metc. Mass., 171, per Shaw, C.J. See, also, Ledwith v.

Rosalsky, 244 N.Y. 406, 155 N.E. 688, 689][Black's Law Dictionary, 4th Ed., 425, 426]

C. Its acts and judicial proceedings are enrolled, or recorded, for a perpetual memory and testimony. (3 Bl. Comm. 24; 3 Steph. Comm. 383; The Thomas Fletcher, C.C.Ga., 24 F. 481; Ex parte Thistleton, 52 Cal 225; Erwin v. U.S., D.C.Ga., 37 F. 488, 2 L.R.A. 229; Heininger v. Davis, 96 Ohio St. 205, 117 N.E. 229, 2310)

D. Has power to fine or imprison for contempt. [3 Bl. Comm. 24; 3 Steph. Comm. 383; The Thomas Fletcher, C.C.Ga., 24 F. 481; Ex parte Thistleton, 52 Cal 225; Erwin v. U.S., D.C.Ga., 37 F. 488, 2

L.R.A. 229; Heininger v. Davis, 96 Ohio St. 205, 117 N.E. 229, 231.] [Black's Law Dictionary, 4th Ed., 425, 426]

E. Generally possesses a seal. [3 Bl. Comm. 24; 3 Steph. Comm. 383; The Thomas Fletcher, C.C.Ga., 24 F. 481; Ex parte Thistleton, 52 Cal 225; Erwin v. U.S., D.C.Ga., 37 F. 488, 2 L.R.A. 229; Heininger v. Davis, 96 Ohio St. 205, 117 N.E. 229, 231.] [Black's Law Dictionary, 4th Ed., 425, 426] See also: The Constitution of the State of Nevada, Article 6, § 9.

Article 6, § 9. Municipal courts. Provision shall be made by law prescribing the powers[,] duties and responsibilities of any Municipal Court that may be established in pursuance of Section One, of this Article; and also fixing by law the jurisdiction of said Court so as not to conflict with that of the several courts of Record.

24. ...our justices, sheriffs, mayors, and other ministers, which under us have the laws of our land to guide, shall allow the said charters pleaded before them in judgement in all their points, that is to wit, the Great Charter as the common law.... [Confirmatio Cartarum, November 5, 1297]" "Sources of Our Liberties" Edited by Richard L. Perry, American Bar Foundation.]
25. Henceforth the writ which is called Praeceptum shall not be served on any one for any holding so as to cause a free man to lose his court. Magna Carta, Article 34.
26. Trespass. Any misfeasance or act of one man whereby another is injuriously treated or damnified. 3 Bl. Comm. 208 An injury or misfeasance to the person, or rights of another person, done with force and violence, either actual or implied in law.<sup>3</sup>
27. Trespass. In its more limited and ordinary sense, it signifies an injury committed with violence, and this violence may be either actual or implied; and the law will imply violence though none is actually used...<sup>4</sup>
28. "Inferior courts" are those whose jurisdiction is limited and special and whose proceedings are not according to the course of the common law." Ex Parte Kearny, 55 Cal. 212; Smith v. Andrews, 6 Cal. 652; Criminal courts proceed according to statutory law. Jurisdiction and procedure is defined by statute. Likewise, civil courts and admiralty courts proceed according to statutory law. Any court proceeding according to statutory law is not a court of record (which only proceeds according to common law); it is an inferior court.
29. However, no statutory or constitutional court (whether it be an appellate or supreme court) can second guess the judgment of a court of record. "The judgment of a court of record whose

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<sup>3</sup> Black's Law Dictionary 2<sup>nd</sup> Ed. Pg. 1171

<sup>4</sup> Black's Law Dictionary 2<sup>nd</sup> Ed. Pg. 1171

jurisdiction is final, is as conclusive on all the world as the judgment of this court would be. It is as conclusive on this court as it is on other courts. It puts an end to inquiry concerning the fact, by deciding it." Ex parte Watkins, 3 Pet., at 202-203. [cited by SCHNECKLOTH v. BUSTAMONTE, 412 U.S. 218, 255 (1973)]

## II.

### **Findings of Fact, Discussion and Conclusion of Law**

30. The records show the counterclaimant Hardee Bey filed an action against counterdefendants named herein;
31. The inferior court is not permitted to proceed against any people without first proving its jurisdiction on the record, whether the officer presiding over said court has been specifically name as a defendant or not. Public servants do not have immunity for exceeding their jurisdiction, since once the jurisdiction has been exceeded, the public servants becomes merely any other individual causing a trespass on one he has not authority over.
32. Reginald B. McClendon, Amber A. Robinson, Patrise Perkins-Hooker, Kaye W. Burwell, Ashley Palmer, and Jonathan D. Loegel are foreign agents granted a title of nobility from a foreign corporation and assigned a BAR member numbers 154793,141660, 572358, 775060, 603514, and 755706 and still proceeds in committing acts of treason against the people of Georgia.
33. Reginald B. McClendon, Amber A. Robinson, Patrise Perkins-Hooker, Kaye W. Burwell, Ashley Palmer, and Ashley Palmer, and Jonathan Loegel have not registered with the United States of America as required by the Foreign Agent Registration Act.

ORDER

34. IT IS HEREBY THE ORDER OF THIS COURT that all defendants motion to dismiss the above entitled action are hereby DENIED.
35. IT IS FURTHER THE ORDER OF THIS COURT THAT any and all defendants and any other party aiding said defendants are restrained form any action against the claimant until such time as defendants and others aiding said defendants have proven jurisdiction over claimant on the record of this court.
36. IT IS FURTHER THE ORDER OF THIS COURT that any further rogue interference of this court by any officer shall be contempt of this court and said perpetrator will be in held in contempt without motion and without hearing.
37. IT IS FURTHER THE ORDER OF THIS COURT that all parties to this action are invited to provide as evidence to this court within 20 days why this order is not valid.

Witness the seal of this court this day of November, 2017.

**The Court**

By: Hardee Bey  
Attornatus Privatus

### **CERTIFICATE OF SERVICE**

I, certify that the true and correct copy of the foregoing document Writ Denying Defendants Motion to Dismiss and Incorporated Memorandum of Law will be served upon by placing it in a sealed envelope First Class Mail Postage prepaid in the U.S. at Atlanta, Georgia and address mail to:

City of Atlanta Law Department  
55 Trinity Avenue SW Suite 5000  
Attention: Reginald B. McClendon, Assistant City Attorney  
Atlanta, Georgia 30303

City of Atlanta Law Department  
55 Trinity Avenue SW Suite 5000  
Attention: Amber A. Robinson, Senior Assistant City Attorney  
Atlanta, Georgia 30303

Office of the Fulton County Attorney  
141 Pryor St Suite 4038  
Attention: Patrice Perkins-Hooker, County Attorney  
Atlanta, Georgia 30303

Office of the Fulton County Attorney  
141 Pryor St Suite 4038  
Attention: Kaye W. Burwell  
Atlanta, Georgia 30303

Office of the Fulton County Attorney  
141 Pryor St Suite 4038  
Attention: Ashley Parker  
Atlanta, Georgia 30303

Office of the Fulton County Attorney  
141 Pryor St Suite 4038  
Attention: Jonathan D. Loegel  
Atlanta, Georgia 30303

Dated: day of November, 2017

By: \_\_\_\_\_

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